



*Office of the United States Attorney
District of Arizona*

FOR IMMEDIATE RELEASE
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TOHONO O'ODHAM MAN PLEADS GUILTY TO INVOLUNTARY VEHICULAR MANSLAUGHTER

TUCSON -- Michael James Capone, 33, a member of the Tohono O'Odham Nation, pleaded guilty in federal district court in Tucson on September 7, 2006 to an Information charging him with Involuntary Vehicular Manslaughter,

On June 1, 2003, on the Tohono O'Odham Indian Reservation, the defendant was driving a vehicle recklessly while under the influence of cocaine and alcohol. The defendant's blood alcohol content was 0.162. As a result, the defendant lost control of his vehicle, swerved, and caused the vehicle to rollover. The defendant's passenger was ejected from the vehicle and died as a result of injuries sustained.

A conviction for Involuntary Vehicular Manslaughter carries a maximum penalty 72 months in prison, a \$250,000 fine or both. The plea agreement provides for a minimum term of imprisonment of 16 months and a maximum term of 72 months. In determining an actual sentence, Judge Raner C. Collins will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

Sentencing is set before Judge Collins on November 21, 2006.

The investigation in this case was conducted by the Tohono O'Odham Police Department. The prosecution is being handled by David Paul Flannigan, Assistant U.S. Attorney, District of Arizona, Tucson.

CASE NUMBER: CR-05-1115-TUC-RCC (JCG)
RELEASE NUMBER: 2006-182(Capone)

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